UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

ROY R. GEORGE,)	
Plaintiff,)	
VS.)	Case No. 4:07CV01739 ERW
MICHAEL J. ASTRUE, Commissioner of Social Security)))	
Defendant.)	

ORDER AND MEMORANDUM

This matter is before the Court upon the Report and Recommendation of United States Magistrate Judge Thomas C. Mummert, III [doc. #16] pursuant to 29 U.S.C. § 636(b).

The Court notes that no objections were filed to the Report and Recommendation within the time period afforded by 28 U.S.C. § 636(b)(1). The Court has considered the Report and Recommendation and hereby sustains, adopts and incorporates herein the Magistrate's Report and Recommendation in its entirety. The Social Security Commissioner's Motion to Dismiss the Plaintiff's Complaint is granted.

Accordingly,

IT IS HEREBY ORDERED that the Motion of the Commissioner is **GRANTED**, and the Plaintiff's Complaint is dismissed with prejudice.

Dated this 12th Day of September, 2008.

E. RICHARD WEBBER UNITED STATES DISTRICT JUDGE

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